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PATENT APPLICATION  
Docket No: 13914.877

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
 )  
 Watterson, et al. )  
 )  
 Serial No.: 10/754,167 )  
 )  
 Filed: January 9, 2004 )  
 )  
 Confirmation No.: 7517 )  
 )  
 For: CUSHIONING TREADMILL )

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of June, 2004:

- Transmittal for Information Disclosure Statement (3 pgs.)  
(in duplicate)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (6 pages)
- Copies of 3 references
- Postcard

Respectfully submitted,

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Attorney for Applicants  
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Customer No. 022913  
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### TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

\_\_\_\_ Statement of relevance of selected cited references not in the English language which are not translated.

\_\_\_\_ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

\_\_\_\_ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 59 references submitted for consideration.
- ☒ Copies of the 3 "other" references listed on the Form PTO-1449.
- ☐ English translations as indicated on the Form PTO-1449 of the references which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
  - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
  - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
  - ☐ Promptness Certification; or
  - ☐ Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
  - ☐ Promptness Certificate;
  - ☐ Petition for Consideration; and
  - ☐ Check No. in the amount of \$\_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV.     \_\_\_ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

\_\_\_ Petition to Withdraw from Issue; and

\_\_\_ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C.     Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p).

\_\_\_ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 23<sup>rd</sup> day of June, 2004.

Respectfully submitted,



David B. Dellenbach  
Attorney for Applicants  
Registration No. 39,166  
**Customer No. 022913**  
Telephone No.: (801) 533-9800



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INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

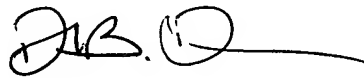
believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 23 day of June, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DB. D', with a long horizontal flourish extending to the right.

David B. Dellenbach  
Attorney for Applicants  
Registration No. 39,166  
**Customer No. 022913**  
Telephone No: (801) 533-9800

DBD/lrc  
LC0000001296V001

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				Docket Number (Optional) <b>13914.877</b>		Application Number <b>10/754,167</b>	
				Applicant(s) <b>Watterson, et al.</b>			
				Filing Date <b>January 9, 2004</b>		Group Art Unit <b>3764</b>	
<b>U.S. PATENT DOCUMENTS</b>							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	3,592,466	7/13/71	Parsons	482	53	
	2	3,689,066	9/5/72	Hagen	482	54	
	3	4,350,336	9/21/82	Hanford	272	69	
	4	4,509,510	4/9/85	Hook	128	25R	
	5	4,548,405	10/22/85	Lee et al.	272	69	
	6	4,576,376	3/18/86	Miller	482	54	
	7	4,616,822	10/14/86	Trulaske et al.	482	54	
	8	4,819,583	4/11/89	Guerra	119	700	
	9	4,886,266	12/12/89	Trulaske	482	54	
	10	4,938,473	7/3/90	Lee et al.	272	69	
	11	4,984,810	1/15/91	Stearns et al.	482	54	
<b>FOREIGN PATENT DOCUMENTS</b>							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation YES NO
<b>OTHER DOCUMENTS</b> <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>							
	1	Kutz, M., ed., Mechanical Engineer's Handbook, 2nd ed., New York; John Wiley & Son, Inc. 1998 (5 pages).					
	2	Hibbeler, R.C., Engineering Mechanics Statics, 4th ed., New York; Macmillan Publishing Company, 1986 (4 pages).					
EXAMINER				DATE CONSIDERED			
<b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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JUN 28 2004

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Group Art Unit

3764

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	12	5,072,928	12/17/91	Stearns et al.	482	54	
	13	5,088,729	2/18/92	Dalebout	482	54	
	14	5,184,988	2/9/93	Dunham	482	54	
	15	5,250,012	10/5/93	Meredith	482	54	
	16	5,279,528	1/18/94	Dalebout et al.	482	54	
	17	5,330,401	7/19/94	Walstead	482	54	
	18	5,336,144	8/9/94	Rodden	482	54	
	19	5,344,372	9/6/94	Hung	482	54	
	20	5,374,227	12/20/94	Webb	482	52	
	21	5,382,207	1/17/95	Skowronski et al.	482	54	
	22	5,441,468	8/15/95	Deckers et al.	482	54	

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	3	Precor USA M9.3 Low Impact Treadmill Brochure, Copyright 1990 (4 pages).

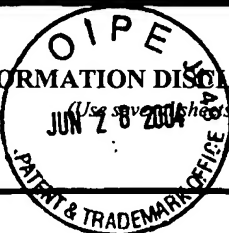
EXAMINER

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	24	5,454,772	10/3/95	Rodden	482	54	
	24	5,476,430	12/19/95	Lee et al.	482	54	
	25	5,484,362	1/16/96	Skowronski et al.	482	54	
	26	5,518,471	5/21/96	Hettinger et al.	482	54	
	27	5,527,245	6/18/96	Dalebout et al.	482	54	
	28	5,542,892	8/6/96	Buhler	482	54	
	29	5,599,259	2/4/97	Skowronski et al.	482	54	
	30	5,626,539	5/6/97	Piaget et al.	482	54	
	31	5,634,870	6/3/97	Wilkinson	482	30	
	32	5,649,882	7/22/97	Parikh et al.	482	54	
	33	5,690,587	11/25/97	Gruenangerl	482	54	

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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

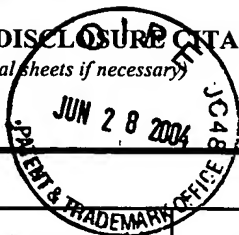

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	34	5,749,807	5/12/98	Webb	482	52	
	35	5,752,897	5/19/98	Skowronski et al.	482	54	
	36	5,810,696	9/22/98	Webb	482	52	
	34	5,827,155	10/27/98	Jensen et al.	482	54	
	38	5,976,061	11/2/99	Moon et al.	482	54	
	39	5,980,432	11/9/99	Ahman	482	77	
	40	5,993,358	11/30/99	Gureghian et al.	482	54	
	41	6,013,011	1/11/00	Moore et al.	482	54	
	42	6,045,490	4/4/00	Shafer et al.	482	54	
	43	6,050,921	4/18/00	Wang	482	54	
	44	6,053,848	4/25/00	Eschenbach	482	54	

## FOREIGN PATENT DOCUMENTS

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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


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U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	45	6,068,578	5/30/00	Wang	482	54	
	46	6,095,951	8/1/00	Skowronski et al.	482	54	
	47	6,132,340	10/17/00	Wang et al.	482	54	
	48	6,174,267 B1	1/16/01	Dalebout et al.	482	54	
	49	6,174,268 B1	1/16/01	Novak	482	54	
	50	6,179,753	1/30/01	Barker et al.	482	54	
	51	6,234,936 B1	5/22/01	Wang	482	54	
	52	6,280,362 B1	8/28/01	Dalebout et al.	482	54	
	53	6,328,676	12/11/01	Alessandri	482	54	
	54	6,394,239 B1	5/28/02	Carlson	188	267.2	
	55	6,436,008 B1	8/20/02	Skowronski et al.	482	54	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

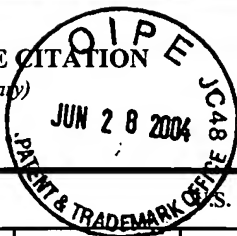
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>		

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	56	US2002/0010055A1	1/24/02	Dyer et al.	482	54	

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